

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Richard B. Himmelstein  
Group Art TBA  
Divisional of Serial No.: 09/454,035  
Examiner: TBA  
Filed: August 3, 2001  
For: Electronic Bartering System

**PRELIMINARY AMENDMENT**

COMMISSIONER OF PATENTS  
Washington, D.C. 20231

Sir:

Prior to examination of the instant application, please amend the above-referenced application as follows:

**IN THE CLAIMS:**

Please cancel claims 1-27 without prejudice or disclaimer.

Please add the following claims:

28. A method for facilitating the bartering of publicly traded securities on a computerized system, comprising:

transmitting a list including multiple barter orders, each of said barter orders including:

a first security including a quantity thereof to be sold in a barter,

a second security including a quantity thereof to be purchased in said barter,

a time within which said barter may occur,

a condition relating to the value of said barter under which condition said barter may be executed; and

receiving a selection from said list of multiple barter orders of at least one barter order to execute.

29. The method of claims 28, 74, 84, 92 or 100 wherein said first security or said second security is selected from the group consisting of: stocks, cash, certificates of deposit, barter dollars, notes, bonds, stock options, himmelstein options, option puts, option calls, commodities, futures, annuities, muni bonds, government bonds, funds, strips, Ginnie Maes, Fannie Maes, Freddie Macs, unit investment trusts, T-bills, and commodity money.
30. The method of claim 29 wherein said second security is a different form of security from said first security.
31. The method of claim 28 further comprising receiving a request for a barter order quote corresponding to said transmitted information.
32. The method of claim 28 wherein said time is selected from: day only, good until cancelled, fill or kill, and immediate or cancel.
33. The method of claim 28 wherein said second security is a different form of security than said first security.
34. The method of claim 28 wherein said condition includes at least one price designation.

35. The method of claim 34 wherein said at least one price designation includes at least one of: a fixed price, a floating price, a current market price, and a price range.
36. The method of claim 28 further comprising receiving a selection of a value ratio, percentage or dollar amount for transmission.
37. The method of claims 36 or 75 wherein said value ratio is calculated based on ratios  $x/y$  and  $a/b$ , wherein  $a$  = a barter value of said first security,  $b$  = a market price of said first security,  $x$  = a barter value of said second security, and  $y$  = a market price of said second security, wherein said ratio is optionally modified by adding or subtracting a predetermined value or variable.
38. The method of claims 36 or 75 wherein said value ratio is calculated based on a formula  $(x/y)/(a/b)$ , wherein  $a$  = a barter value of said first security,  $b$  = a market price of said first security,  $x$  = a barter value of said second security, and  $y$  = a market price of said second security, wherein said ratio is optionally modified by adding or subtracting a predetermined value or variable.
39. The method of claims 36 or 75 wherein said value ratio is calculated based on a formula  $(a/b)/(x/y)$ , wherein  $a$  = a barter value of said first security,  $b$  = a market price of said first security,  $x$  = a barter value of said second security, and  $y$  = a market price of said second security, wherein said ratio is optionally modified by adding or subtracting a predetermined value or variable.
40. The method of claims 36 or 75 wherein said value ratio is calculated based on a formula  $(b/a)-(y/x)$ , wherein  $a$  = a barter value of said first security,  $b$  = a market price of said first security,  $x$  = a barter value of said second security, and  $y$  = a market

price of said second security, wherein said ratio is optionally modified by adding or subtracting a predetermined value or variable.

41. The method of claims 36 or 75 wherein said value ratio is calculated based on ratios  $x/y$  and  $a/b$ , wherein  $a$  = a barter value of said first security,  $b$  = a market price of said first security plus future interest income from said first security,  $x$  = a barter value of said second security, and  $y$  = a market price of said second security plus future interest income from said second security, wherein said ratio is optionally modified by adding or subtracting a predetermined value or variable.
42. The method of claims 36 or 75 wherein said value ratio is calculated based on a formula  $(x/y)/(a/b)$ , wherein  $a$  = a barter value of said first security,  $b$  = a market price of said first security plus future interest income from said first security,  $x$  = a barter value of said second security, and  $y$  = a market price of said second security plus future interest income from said second security, wherein said ratio is optionally modified by adding or subtracting a predetermined value or variable.
43. The method of claims 36 or 75 wherein said value ratio is calculated based on a formula  $(a/b)/(x/y)$ , wherein  $a$  = a barter value of said first security,  $b$  = a market price of said first security plus future interest income from said first security,  $x$  = a barter value of said second security, and  $y$  = a market price of said second security plus future interest income from said second security, wherein said ratio is optionally modified by adding or subtracting a predetermined value or variable.
44. The method of claims 36 or 75 wherein said value ratio is calculated based on a formula  $(b/a)-(y/x)$ , wherein  $a$  = a barter value of said first security,  $b$  = a market

price of said first security plus future interest income from said first security,  $x = a$  barter value of said second security, and  $y = a$  market price of said second security plus future interest income from said second security, wherein said ratio is optionally modified by adding or subtracting a predetermined value or variable.

45. The method of claim 28 wherein said condition includes at least one of minimum quantity, "do not reduce", all or none, and deferred settlement.
46. The method of claim 28 further comprising selecting a dividend reinvestment option selected from the group consisting of: no preference, stock with a dividend reinvestment program, and stock without a dividend reinvestment program.
47. The method of claim 28 further comprising receiving a selection of a posted barter order to initiate said barter.
48. The method of claim 28 further comprising receiving an instruction to change a barter order formed from said transmitted information.
49. The method of claim 28 further comprising receiving and transmitting limited information to maintain anonymity of an owner of said first security.
50. The method of claim 28 wherein said transmitting comprises transmitting information via a graphical user interface.
51. A computerized system for facilitating the bartering of publicly traded securities, comprising:  
  
a memory; and

a processor disposed in communication with said memory, said processor configured to

transmit a list including multiple barter orders, each of said barter orders including:

a first security including a quantity thereof to be sold in a barter,

a second security including a quantity thereof to be purchased in said barter,

a time within which said barter may occur, and

a condition relating to the value of said barter under which condition said barter may be executed; and

receive one or more barter order selections from said list of multiple barter orders to execute.

52. The system of claims 51, 79, 88, 93, 96, 97, 98, 99, 103 or 104 wherein said first security or said second security is selected from the group consisting of: stocks, cash, certificates of deposit, barter dollars, notes, bonds, stock options, himmelstein options, option puts, option calls, commodities, futures, annuities, muni bonds, government bonds, funds, strips, Ginnie Maes, Fannie Maes, Freddie Macs, unit investment trusts, T-bills, and commodity money.
53. The system of claim 52 wherein said second security is a different form of security from said first security.
54. The system of claim 52 wherein said processor is further configured to receive a request for a barter order quote corresponding to said transmitted information.

55. The system of claim 52 wherein said time is selected from: day only, good until cancelled, and immediate or cancel.
56. The system of claim 52 wherein said transmission is to a graphical user interface.
57. The system of claim 52 wherein said condition includes at least one price designation.
58. The system of claim 57 wherein said at least one price designation includes at least one of: a fixed price, a floating price, a current market price, and a price range.
59. The system of claim 52 wherein said processor is further configured to receive a selection of a value ratio, percentage or dollar amount for display.
60. The system of claims 59 or 80 wherein said value ratio is calculated based on ratios  $x/y$  and  $a/b$ , wherein  $a$  = a barter value of said first security,  $b$  = a market price of said first security,  $x$  = a barter value of said second security, and  $y$  = a market price of said second security, wherein said ratio is optionally modified by adding or subtracting a predetermined value or variable.
61. The system of claims 59 or 80 wherein said value ratio is calculated based on a formula  $(x/y)/(a/b)$ , wherein  $a$  = a barter value of said first security,  $b$  = a market price of said first security,  $x$  = a barter value of said second security, and  $y$  = a market price of said second security, wherein said ratio is optionally modified by adding or subtracting a predetermined value or variable.
62. The system of claims 59 or 80 wherein said value ratio is calculated based on a formula  $(a/b)/(x/y)$ , wherein  $a$  = a barter value of said first security,  $b$  = a market price of said first security,  $x$  = a barter value of said second security, and  $y$  = a market price

of said second security, wherein said ratio is optionally modified by adding or subtracting a predetermined value or variable.

63. The system of claims 59 or 80 wherein said value ratio is calculated based on a formula  $(b/a)-(y/x)$ , wherein  $a$  = a barter value of said first security,  $b$  = a market price of said first security,  $x$  = a barter value of said second security, and  $y$  = a market price of said second security, wherein said ratio is optionally modified by adding or subtracting a predetermined value or variable.
64. The system of claims 59 or 80 wherein said value ratio is calculated based on ratios  $x/y$  and  $a/b$ , wherein  $a$  = a barter value of said first security,  $b$  = a market price of said first security plus future interest income from said first security,  $x$  = a barter value of said second security, and  $y$  = a market price of said second security plus future interest income from said second security, wherein said ratio is optionally modified by adding or subtracting a predetermined value or variable.
65. The system of claims 59 or 80 wherein said value ratio is calculated based on a formula  $(x/y)/(a/b)$ , wherein  $a$  = a barter value of said first security,  $b$  = a market price of said first security plus future interest income from said first security,  $x$  = a barter value of said second security, and  $y$  = a market price of said second security plus future interest income from said second security, wherein said ratio is optionally modified by adding or subtracting a predetermined value or variable.
66. The system of claims 59 or 80 wherein said value ratio is calculated based on a formula  $(a/b)/(x/y)$ , wherein  $a$  = a barter value of said first security,  $b$  = a market price of said first security plus future interest income from said first security,  $x$  = a barter



value of said second security, and  $y$  = a market price of said second security plus future interest income from said second security, wherein said ratio is optionally modified by adding or subtracting a predetermined value or variable.

67. The system of claims 59 or 80 wherein said value ratio is calculated based on a formula  $(b/a)-(y/x)$ , wherein  $a$  = a barter value of said first security,  $b$  = a market price of said first security plus future interest income from said first security,  $x$  = a barter value of said second security, and  $y$  = a market price of said second security plus future interest income from said second security, wherein said ratio is optionally modified by adding or subtracting a predetermined value or variable.
68. The system of claim 51 wherein said condition includes at least one of minimum quantity, “do not reduce”, all or none, and deferred settlement.
69. The system of claim 51 wherein said processor is further configured to receive a selection of a dividend reinvestment option selected from the group consisting of: no preference, stock with a dividend reinvestment program, and stock without a dividend reinvestment program.
70. The system of claim 51 wherein said processor is further configured to receive a selection of a posted barter order to initiate said barter.
71. The system of claim 51 wherein said processor is further configured to receive and transmit an instruction to change a barter order formed from said transmitted information.
72. The system of claim 51 wherein said processor is further configured to transmit limited information to maintain anonymity of an owner of said first security.

73. The system of claim 51 wherein said processor is configured to operate and display a graphical user interface for requesting said information from a user.
74. A method for facilitating the bartering of publicly traded securities on a computerized system, comprising:
- transmitting a list including multiple barter orders, each of said barter orders including:
- a first security including a quantity thereof to be sold in a barter,
- a second security including a quantity thereof to be purchased in said barter; and
- receiving a selection from said list of multiple barter orders of at least one barter order to execute.
75. The method of claim 74 further comprising receiving a selection of a value ratio, percentage or dollar amount for transmission.
76. The method of claim 74 further comprising receiving a selection of a dividend reinvestment option selected from the group consisting of: no preference, stock with a dividend reinvestment program, and stock without a dividend reinvestment program.
77. The method of claim 74 further comprising receiving and transmitting limited information to maintain anonymity of an owner of said first security.
78. The method of claim 74 wherein said transmitting comprises transmitting information via a graphical user interface.
79. A computerized system for facilitating the bartering publicly traded securities, comprising:

a memory; and

a processor disposed in communication with said memory, said processor configured to

transmit a list including multiple barter orders, each of said barter orders including:

a first security including a quantity thereof to be sold in a barter, and

a second security including a quantity thereof to be purchased in said barter; and

receive one or more barter order selections from said list of multiple barter orders to execute.

80. The system of claim 79 wherein said processor is further configured to receive a selection of a value ratio, percentage or dollar amount for display.
81. The system of claim 79 wherein said processor is further configured to receive a selection of a dividend reinvestment option selected from the group consisting of: no preference, stock with a dividend reinvestment program, and stock without a dividend reinvestment program.
82. The system of claim 79 wherein said processor is further configured to transmit limited information to maintain anonymity of an owner of said first security.
83. The system of claim 79 wherein said processor is configured to operate and display a graphical user interface for requesting said information from a user.
84. A method for facilitating the bartering of publicly traded securities on a computerized system, comprising:
- receiving a plurality of barter orders, each of said barter orders including

a first security including a quantity thereof to be sold in a barter,  
a second security including a quantity thereof to be purchased in said barter,  
a time in which said barter may occur,  
a condition relating to the value of said barter under which condition said barter  
may be executed;  
sorting said plurality of barter orders to match related orders; and  
transmitting the plurality of sorted barter orders to a third-party.

85. The method of claim 84 wherein transmitting the sorted plurality of barter orders includes transmitting the sorted plurality of barter orders to a retail trader.
86. The method of claim 84 wherein transmitting the sorted plurality of barter orders includes transmitting the sorted plurality of barter orders to a market maker.
87. The method of claim 84 wherein receiving a plurality of barter orders comprises receiving said plurality of barter orders from a plurality of parties.
88. A computerized system for facilitating the bartering of publicly traded securities, comprising:  
a memory; and  
a processor disposed in communication with said memory, said processor configured to  
receive a plurality of barter orders, each of said barter orders including  
a first security including a quantity thereof to be sold in a barter,

a second security including a quantity thereof to be purchased in said barter,

a time in which said barter may occur,

a condition relating to the value of said barter under which condition said barter may be executed;

sort said plurality of barter orders to match related orders; and

transmit the sorted plurality of sorted barter orders to a third-party.

89. The system of claim 88 wherein said processor is further configured to transmit the sorted plurality of barter orders to a retail trader.

90. The system of claim 88 wherein said processor is further configured to transmit the sorted plurality of barter orders to a market maker.

91. The system of claim 88 wherein said processor is further configured to receive said plurality of barter orders from a plurality of parties.

92. A method for bartering publicly traded securities on a computerized system, comprising:

receiving a list including multiple barter orders, each of said barter orders including:

a first security including a quantity thereof to be sold in a barter,

a second security including a quantity thereof to be purchased in said barter,

a time within which said barter may occur, and

a condition relating to the value of said barter under which condition said barter may be executed;

selecting from said list of multiple barter orders at least one barter order to execute; and

transmitting said at least one barter order to a third-party.

93. A computerized system for bartering publicly traded securities, comprising:

a memory; and

a processor disposed in communication with said memory, said processor configured to

receive a list including multiple barter orders, each of said barter orders including:

a first security including a quantity thereof to be sold in a barter,

a second security including a quantity thereof to be purchased in said barter,

a time within which said barter may occur, and

a condition relating to the value of said barter under which condition said barter may be executed;

receive one or more barter order selections from said list of multiple barter orders to execute; and

transmit a barter order selection to a third-party.

94. The method of claims 28, 74, or 92 further comprising receiving a request to generate a barter order quote, generating said quote, and transmitting said barter order quote.

95. The system of claims 51, 79, 88 or 93 wherein said processor is further configured to: receive a request to generate a barter order quote, generate said quote, and transmit said quote.

96. A computerized system for facilitating the bartering of publicly traded securities, comprising:

means for transmitting a list including multiple barter orders, each of said barter orders including:

a first security including a quantity thereof to be sold in a barter,

a second security including a quantity thereof to be purchased in said barter,

a time within which said barter may occur,

a condition relating to the value of said barter under which condition said barter may be executed; and

means for receiving a selection from said list of multiple barter orders of at least one barter order to execute.

97. A computerized system for facilitating the bartering of publicly traded securities, comprising:

means for transmitting a list including multiple barter orders, each of said barter orders including:

a first security including a quantity thereof to be sold in a barter,

a second security including a quantity thereof to be purchased in said barter; and

means for receiving a selection from said list of multiple barter orders of at least one barter order to execute.

98. A computerized system for facilitating the bartering of publicly traded securities, comprising:

means for receiving a plurality of barter orders, each of said barter orders including

a first security including a quantity thereof to be sold in a barter,

a second security including a quantity thereof to be purchased in said barter,

a time in which said barter may occur,

a condition relating to the value of said barter under which condition said barter may be executed;

means for sorting said plurality of barter orders to match related orders; and

means for transmitting the sorted plurality of sorted barter orders to a third-party.

99. A computerized system for bartering publicly traded securities, comprising:

means for receiving a list including multiple barter orders, each of said barter orders including:

a first security including a quantity thereof to be sold in a barter,

a second security including a quantity thereof to be purchased in said barter,

a time within which said barter may occur, and

a condition relating to the value of said barter under which condition said barter may be executed;



means for selecting from said list of multiple barter orders at least one barter order to execute; and

means for transmitting said at least one barter order to a third-party.

100. A method for facilitating the bartering of publicly traded securities on a

computerized system, comprising:

receiving a first barter order from a user including:

a first security including a quantity thereof to be sold in a barter,

a second security to be purchased in said barter,

a condition relating to the value of said barter under which condition said barter may be executed;

comparing said first barter order to a list including multiple barter orders, each of said barter orders including:

a first security including a quantity thereof to be sold in a barter,

a second security to be purchased in said barter,

a condition relating to the value of said barter under which condition said barter may be executed;

determining from said list a plurality of selected barter orders which, if executed, will consummate said first barter order and one or more of said list of plurality of selected barter orders;

transmitting to said user, based on said determining, an indication that said first barter order may be executed; and

receiving from said user a request to execute said barter order.

101. The method of claim 100 wherein said receiving further comprises receiving a time within which said barter may occur.

102. The method of claim 100 wherein each of said barter orders further includes a time within which said barter order may occur.

103. A computerized system for facilitating the bartering of publicly traded securities, comprising:

a memory; and

a processor disposed in communication with said memory, said processor configured to

receive a first barter order from a user including:

a first security including a quantity thereof to be sold in a barter,

a second security to be purchased in said barter,

a condition relating to the value of said barter under which condition said barter may be executed;

compare said first barter order to a list including multiple barter orders, each of said barter orders including:

a first security including a quantity thereof to be sold in a barter,

a second security to be purchased in said barter,

a condition relating to the value of said barter under which condition said barter may be executed;

determine from said list a plurality of selected barter orders which, if executed, will consummate said first barter order and one or more of said list of plurality of selected barter orders;

transmit to said user, based on said determining, an indication that said first barter order may be executed; and

receive from said user a request to execute said barter order.

104. A computerized system for facilitating the bartering of publicly traded securities, comprising:

means for receiving a first barter order from a user including:

a first security including a quantity thereof to be sold in a barter,

a second security to be purchased in said barter,

a condition relating to the value of said barter under which condition said barter may be executed;

means for comparing said first barter order to a list including multiple barter orders, each of said barter orders including:

a first security including a quantity thereof to be sold in a barter,

a second security to be purchased in said barter,

a condition relating to the value of said barter under which condition said barter may be executed;

means for determining from said list a plurality of selected barter orders which, if executed, will consummate said first barter order and one or more of said list of plurality of selected barter orders;

means for transmitting to said user, based on said determining, an indication that said first barter order may be executed; and

means for receiving from said user a request to execute said barter order.

105. The method of claim 84 wherein transmitting the sorted plurality of barter orders includes transmitting the sorted plurality of barter orders to an exchange, alternative trading system, or broker.

106. The system of claim 88 wherein said processor is further configured to transmit the sorted plurality of barter orders to an exchange, alternative trading system, or broker.

107. The method of claims 28, 74, 92 or 100 further comprising executing a selected barter order by using a matching engine to link multiple barter orders.

108. The system of claims 51, 79 or 103 wherein said processor is further configured to execute a selected barter order by using a matching engine to link multiple barter orders.

109. The method of claim 86 further comprising receiving a response from said market maker.

110. The system of claim 90 wherein said processor is further configured to receive a response from said market maker.
111. The method of claim 100 wherein said first barter order further includes a quantity of said second security.
112. The system of claims 103 or 104 wherein said first barter order further includes a quantity of said second security.
113. The method of claim 100 further comprising transmitting to multiple parties an indication that said first barter order may be executed.
114. The system of claim 103 further comprising means for transmitting to multiple parties an indication that said first barter order may be executed.
115. The method of claims 28, 74, 92 or 100 further comprising displaying an available quantity of a security to be bartered.
116. The method of claim 115 further comprising displaying a remaining quantity of a security to be bartered, after a portion of said available amount is bartered.
117. The system of claims 51, 79 or 103 wherein said processor is configured to display an available quantity of a security to be bartered.
118. The system of 117 wherein said processor is configured to display a remaining quantity of a security to be bartered, after a portion of said available quantity is bartered.

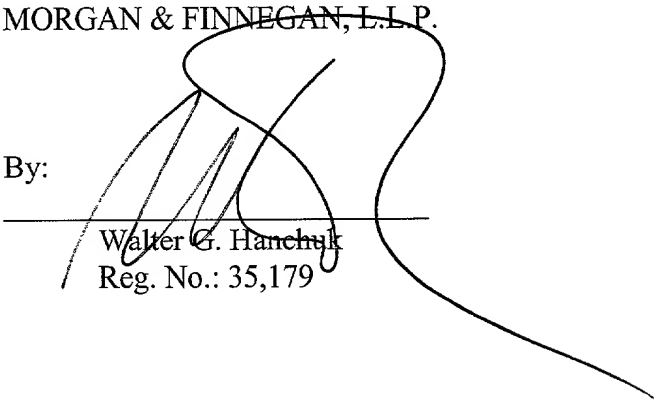
**AUTHORIZATION**

If the Commissioner determines that an additional fee is due, applicant authorizes the Commissioner to charge any required fee, or credit any overage, to deposit account 13-4500, Order No. 4159-4003US1. A duplicate of this sheet is included.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By:



Walter G. Hanchuk  
Reg. No.: 35,179

Date: August 3, 2001

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154  
(212)758-4800 / (212)751-6849 (facsimile)